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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,002	07/12/2005	Takeshi Togano	03500.018078	6162
5514 7590 03/31/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
CHOW, YUK				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/542,002

**Applicant(s)**

TOGANO ET AL.

**Examiner**

YUK CHOW

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-8, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda (US Patent 6,239,896).**

As to claim 15, Ikeda discloses an electrophoresis display apparatus comprising:  
a first substrate and second substrate arranged with a predetermined gap  
in between (see Fig. 1A(3, 6));

an insulating liquid and a plurality of charged particles enclosed in the gap  
between these substrates (Fig. 1A(1));

a first electrode placed along said first substrate over a relatively wide  
area of a pixel (Fig. 1A(8)); and

a second electrode (Fig. 1A(9)) having a voltage applied therebetween and said  
first electrode, said electrophoresis display apparatus carrying out a display by applying  
a voltage to these electrodes and moving said charged particles (see Col. 4 line 15-26),

wherein said charged particles are colored in a first color (Fig. 1A(2) is black),  
at least a first portion of the a first area where said first electrode is placed in  
which the density of said charged particles cannot be kept high is colored in

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substantially the same color as said first color (Fig. 1A(9) has same color as charged particles, see Col. 5 line 11-30),

at least a second portion of the first area where said first electrode is placed in which the density of said charged particles can be kept high is colored in a second color (Fig. 1A(8), reflects white color see Col. 3 lines 45-67),

when said charged particles are placed so as to cover said first electrode, said first color is visually recognized (See Fig. 1B, only black can be seen), and

when said charged particles are attracted to said second electrode and accumulated, said second color is visually recognized (see Fig. 1A, white color can be seen).

**Claims 2-8, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda et al. (US 2003/0048521).**

As to claim 16, Ikeda discloses a reflective display apparatus that creates a display by moving particles, comprising:

a front substrate and a back substrate (Fig. 1(1, 2));

a plurality of colored charged particles (Fig. 1(5)) and an insulated liquid (Fig. 1(4)) sandwiched between said front substrate and said back substrate;

a reflective first electrode and a second electrode placed on said back substrate (Fig. 1(6,7)); and

a support member (Fig. 1(3)) provided to keep a distance between said front substrate and said back substrate,

wherein a first portion of an area of said first electrode (Fig. 1(6), see [0068]) which borders on said second electrode (Fig. 1(7)) is covered by a colored layer, which color is the same as the color of said charged particles (see [0070]).

As to claim 2, Ikeda discloses a reflective display apparatus according to claim 16, wherein a second portion of the area other than the first portion is colored in a second color which is different from the color of the charged particles (see [0095]).

As to claim 3, Ikeda discloses a reflective display apparatus according to claim 16, wherein the area is a light absorbing layer, a gap is provided between said first electrode and second electrode within the back substrate, and the colored area is disposed on the back substrate so as to overlap at least with the gap (see Fig. 10 and [0048]).

As to claim 4, Ikeda discloses a reflective display apparatus according to claim 16, wherein said support member is placed so as to partition pixels of the display apparatus (see Fig. 10, middle support member divides a and b).

As to claim 5, Ikeda discloses a reflective display apparatus according to claim 16, wherein said second electrode is provided on said support member (see Fig. 2A-2D).

As to claim 6, Ikeda discloses a reflective display apparatus according to claim 16, wherein said second electrode is placed between said support member and said back substrate (see Fig. 2A-2D).

As to claim 7, Ikeda discloses a reflective display apparatus according to claim 16, wherein an insulating liquid (Fig. 9(4)) is further provided in the gap between said front substrate and said back substrate.

As to claim 8, Ikeda discloses a reflective display apparatus according to claim 16, wherein said colored area is a light absorbing layer and includes a plane overlapping with said support member within a plane horizontal to said back substrate (See Fig. 10, second electrode was overlapped with a light absorbing layer that is horizontal to the back substrate).

#### ***Response to Amendment***

2. Applicant's arguments with respect to claims 2-8, 15-16 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUK CHOW whose telephone number is (571)270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./

Examiner, Art Unit 2629

/Amare Mengistu/  
Supervisory Patent Examiner, Art Unit 2629